

OFFICIAL COPY

Fresno, California

March 20, 2001

The City Council met in regular session at the hour of 8:30 a.m., and thereafter in joint session with the Redevelopment Agency, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Andy Souza, Interim City Manager
Bob Quesada, City Manager's Office
Hilda Cantu Montoy, City Attorney
Jesse Avila, Assistant City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Walt Parry, Fresno Metro Ministry, gave the invocation, and a Member of the Fresno County Board of Education led the Pledge of Allegiance to the Flag. Councilmember Calhoun commended Reverend Parry for all his contributions to the community.

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The City Council recessed at 8:34 a.m. and convened in joint session with the Redevelopment Agency.

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF MARCH 6, 2001

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of March 6, 2001, approved as submitted.

(“A”) * RESOLUTION NO. 01-88 - 115TH AMENDMENT TO AAR 00-183 APPROPRIATING \$3,500,000 TO ACQUIRE LAND FOR DOWNTOWN PARKING FACILITIES (COUNCIL ACTION)

1. RESOLUTION NO. 01-89 - ESTABLISHING OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR DOWNTOWN PARKING FACILITIES (COUNCIL ACTION)

A motion to approve the resolutions was made and acted upon after discussion.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Upon request of Councilmember Calhoun, Robert Baida, City Manager's Office, explained the issue, and along with Director Fitzpatrick and Interim City Manager Souza responded to Council questions/comments and/or clarified issues relative to whether action this date would deal with the stadium ingress/egress issue, the need to keep focus on the streetscape and stadium project timelines, funding source, if parking meter revenues would be used, if there was now more of a demand for downtown property, and bonding and meter revenues.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 01-88 and 01-89 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“B”) CONSIDER RELEASING THE AGENCY’S OPTION TO RE-PURCHASE PROPERTY LOCATED AT 701 “L” STREET (THE BUS BARN PROPERTY) IN THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA (JOINT ACTION)

Redevelopment Administrator Murphey gave a brief overview of the issue and advised principals of the Downtown Artists Group (DAG) were in attendance for any questions. A motion and second to approve staff's recommendation was acted upon after brief discussion.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Councilmembers spoke in support of the issue and commended the DAG for their efforts, investment and commitment to downtown, and upon request, Ms. Arnold explained their plans for a sculpture-type park between Butterfields and their studio and confirmed action being requested this date would take them one step closer towards the plan.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the DAG's request relative to “Release of the Right to Repurchase Property” hereby approved subject to the following condition: No relocation payments or reimbursements will be made for the relocation of any business or the moving of personal property from the property if the Agency ever acquires the property; and Agency staff directed to continue to work the DAG to resolve the following issues: (a) submission of a Site Plan Review Application to the Development Department for any existing unauthorized improvements and future development of the property, and (b) consideration of exterior alterations of the building to ensure a more consistent interface with adjacent buildings, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“C”) APPROVE MODIFICATIONS TO THE CONTRACT BETWEEN THE AGENCY AND THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM (AGENCY ACTION)

1. AGENCY RESOLUTION - RELATING TO PRE-TAX PAYROLL DEDUCTION PLAN FOR SERVICE CREDIT PURCHASE
2. AGENCY RESOLUTION - RELATING TO EMPLOYER PAID MEMBER CONTRIBUTIONS

Director Fitzpatrick reviewed the issue and staff report as submitted. A motion and second was made by Councilmembers Quintero and Calhoun to approve the resolutions.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Retirement Administrator McDivitt and Mr. Fitzpatrick responded to questions of President Perea and Acting President Ronquillo and/or clarified issues relative to excess contributions in the City’s system and protections, intent of the issue, PERS and the City’s systems being comparable, and the actual social security and PERS costs being paid for employees. Acting President Ronquillo stated there was a need for an independent due-diligence comparison report on the actual costs being paid and made a motion to table the matter one week to obtain those cost figures.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled matter tabled one week to allow staff to report back on actual costs paid, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“D”) RECEIVE REPORT AND GIVE DIRECTION TO AGENCY STAFF AND CITY MANAGER REGARDING THE JOINT FRESNO COUNTY OFFICE OF EDUCATION AND FRESNO UNIFIED SCHOOL DISTRICT CHARTER/MAGNET SCHOOL IN DOWNTOWN FRESNO ADJACENT TO THE REGIONAL MEDICAL CENTER CAMPUS - PRESIDENT PEREA

Reviewed by President Perea who stated this was the type of partnership everyone was interested in and explained, spoke in strong support of the need to move forward, and made a motion to adopt staff’s recommendation, which was seconded and acted upon after discussion.

Speaking in support, reviewing, and urging Council’s support for the joint project were: Rick Hauseman, FUSD **(2 - 0)**, and Dr. Pete Mehas, Fresno County Superintendent of Education. Barbara Hunt, 944 “F” Street, spoke in opposition.

Acting President Ronquillo commended Mr. Hauseman and Dr. Mehas for all their work, and spoke to the importance of the project and stated the partnership would work. Councilmember Calhoun stated he welcomed the initiative but felt staff’s recommendation was too strong a commitment and offered amendments and an addition, which were accepted by the motion-maker. Councilmember Boyajian commended all involved and stated this was a great collaboration.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, Agency staff and the City Manager directed to lend their support to a joint charter/magnet school in Downtown Fresno, adjacent to the Regional Medical Center Campus, and, as amended, (by changing/adding the italicized wording and item “f” below), further *request* specific activities *be considered* as part of the educational campus development as follows:

- (a) Neighborhood police substation;
- (b) Integration of a neighborhood park;
- (c) Integration with the Regional Medical Center Campus and UCSF;

- (d) Plan line and develop budget with Public Works for an improved McKenzie from Blackstone to Fresno;
- (e) Provide additional housing rehabilitation funds for improvement of Jefferson neighborhood housing; and
- (f) Cooperative ventures with area schools; by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned at 9:44 a.m. and the City Council reconvened in regular session at 9:45 a.m.

PROCLAMATION OF “NATIONAL SAFE PLACE WEEK”

PROCLAMATION OF “AGRICULTURAL DAY”

The above proclamations were read and presented.

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APPROVE MINUTES OF MARCH 13, 2001

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of March 13, 2001, approved as submitted.

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APPROVE AGENDA:

(5A) DIRECT CITY ATTORNEY TO RESEARCH THE DRAFTING OF AN ORDINANCE TO ADOPT GUIDELINES PERTAINING TO THE NUMBER OF SERVICE STATIONS, CONVENIENCE STORES, OR COMBINATION OF BOTH, TO BE ALLOWED WITHIN A SPECIFIED ZONE WITHIN THE CITY - COUNCILMEMBER QUINTERO

At the request of Councilmember Duncan and with Council concurrence, the matter set for 11:00 a.m. for citizen convenience.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1) * RESOLUTION NO. 01-90 - 108TH AMENDMENT TO AAR 00-183 TO FUND THE INCREASED COSTS ASSOCIATED WITH THE IAFF NON-MANAGEMENT AND IAFF MANAGEMENT MEMORANDUMS OF UNDERSTANDING (MOU's)

(1A-2) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY AT 6723 N. VAGEDES FOR THE PRICE OF \$3,300 FOR THE HERNDON AVENUE WIDENING PROJECT FROM PALM TO WEST AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW

(1A-3) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY AT 5203 E. CLAY FOR THE PRICE OF \$10,700 FOR THE PEACH AVENUE PROJECT FROM CLAY TO MCKINLEY AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW AND CONCLUDE THE RELOCATION OF THE GARAGE ON THE PROPERTY

(1A-4) RESOLUTION NO. 01-91 - AMENDING RES. 94-99 WHICH ORDERED THE VACATION OF VARIOUS RIGHTS-OF-WAY WITHIN THE AREA BOUND BY TULARE, "H", INYO AND THE FULTON-BROADWAY PLAZA ALLEY TO ACCOMMODATE CONSTRUCTION OF THE DOWNTOWN STADIUM

(1A-5) * RESOLUTION NO. 01-92 - 111TH AMENDMENT AAR 00-183 APPROPRIATING \$100 OF DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE PARTNERS IN PRIDE NEIGHBORHOOD CLEAN-UP - COUNCILMEMBER BOYAJIAN

(1A-6) * RESOLUTION NO. 01-93 - 112TH AMENDMENT TO AAR 00-183 APPROPRIATING \$3,500 OF DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND VARIOUS COMMUNITY PROGRAMS (\$1,000 FOR THE CESAR CHAVEZ CELEBRATION, \$1500 FOR KOCHI SISTER CITY PRESENTATION, AND \$500 EACH FOR THE EDISON HIGH SCHOOL AND CENTRA HIGH SCHOOL SOBER GRAD NIGHTS) - ACTING PRESIDENT RONQUILLO

(1A-7) APPROVE FOUR (4) LEASE AGREEMENTS FOR THE COMMERCIAL PORTION OF THE VAN NESS/MERCED GARAGE FACILITY WITH RAFFIG. ATIKIAN AT 1237 VAN NESS, VIVIAN SANDERS DBA ALL ABOUT NAILS AT 1241 VAN NESS, BARRY PEARLSTEIN DBA LUCKY BAIL BONDS AT 1243 VAN NESS, AND MARLENE FELDSTEIN DBA STATE JEWELRY AND LOAN AT 1249 VAN ESS AVENUE; APPROVE THE DRAFT LEASE; AUTHORIZE THE CITY MANAGER/DESIGNEE, WITH THE CONCURRENCE OF THE CITY ATTORNEY, TO MAKE SUCH ADDITIONAL NONMATERIAL MODIFICATIONS DETERMINED TO BE APPROPRIATE TO THE DRAFT LEASE PRIOR TO ITS FINAL EXECUTION; AND AUTHORIZE THE CITY MANAGER/DESIGNEE TO SIGN THE FINAL LEASE AGREEMENTS

(1A-10) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CLOVIS WATER WELL IN THE ESTIMATED AMOUNT OF \$266,191 FOR WATER WELL PUMPING EQUIPMENT

(1A-11) * RESOLUTION NO. 01-94 - 11TH AMENDMENT TO PAR 2000-184 TRANSFERRING ONE STAFF ASSISTANT FROM THE WATER MANAGEMENT DIVISION TO THE DEPARTMENT OF PUBLIC UTILITIES ADMINISTRATIVE DIVISION

(1A-13) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE TWINING LABORATORIES, INC., FOR QUALITY ASSURANCE AND ACCEPTANCE TESTING FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT UNDER FAA AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 31, 32 AND 34; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

(1B-1) * BILL NO. B-34 - AMENDING SECTIONS 2-1812, 2-1813 AND 2-1813.1 OF THE FRESNO MUNICIPAL CODE RELATING TO MEMBERSHIP IN THE EMPLOYEES RETIREMENTS SYSTEM

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-34 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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RECEIPT OF LATE "RED TAG" ITEMS - COUNCILMEMBER CALHOUN

Councilmember Calhoun expressed concern with receiving late items stating it was hard to make decisions and questioned what could be done **(3 - 0)**. Brief comments were made on the need for Council to discuss the matter further among themselves and options of delaying late items one week or simply prohibiting "red tag" items. There was no further discussion.

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(10:00 A.M.) HEARING REGARDING THE FY 2001 WEED ABATEMENT PROGRAM

1. RESOLUTION NO. 01-96 - APPROVING THE PROGRAM AND DECLARING THAT DRY GRASS, WEEDS, TRASH AND DEBRIS ON VACANT LOTS AND LOTS WITH VACANT STRUCTURES POSE A SIGNIFICANT FIRE HAZARD IN THE CITY OF FRESNO

President Perea announced the time had arrived to consider the issue and opened the hearing. Code Enforcement Analyst Watahira gave an overview of the program and staff report as submitted.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; and Christian Solaco, 5102 E. Cole.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

City Attorney Montoy and HNR Director Quiring responded to questions or comments of Councilmembers Calhoun, Boyajian, Ronquillo and President Perea relative to why a hearing was held annually, problems encountered last year, process staff was now undertaking, need for criteria and staff follow-up, definition of public nuisances, if before and after pictures were taken, number of appeals received, and the fee structure and actual clean-up costs.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-96 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-00-20, REZONING APPLICATION NO. R-00-40 AND ENVIRONMENTAL FINDINGS, FILED BY JOEL HENSLEY ON BEHALF OF LIBERTY CHRISTIAN FELLOWSHIP, PROPERTY LOCATED AT 1480 N. MILLBROOK AVENUE (COUNCIL DISTRICT 7)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-00-20, R-00-40 DATED JANUARY 5, 2001

2. RESOLUTION NO. 01-97 - AMENDING THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-35 - ORDINANCE NO. 01-29 - AMENDING THE YOSEMITE SCHOOL AREA SPECIFIC PLAN TO CHANGE THE PLANNED LAND USE DESIGNATION OF THE SUBJECT PROPERTY

4. BILL NO., B-36 - ORDINANCE NO. 01-30 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A AND R-1 TO R-P/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Ronquillo briefly left the meeting at 10:22 a.m. Planner Beedle gave an overview of the staff report as submitted and a motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-00-20 R-00-40, C-00-222, issued January 9, 2001, hereby approved; the above entitled Resolution No. 01-97 hereby adopted, the above entitled Bill No. B-35 adopted as Ordinance No. 01-29, and the above entitled Bill No. B-36 rezoning the subject site adopted as Ordinance No. 01-30, subject to the condition of zoning as recommended by staff and the Planning Commission, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(5C) RESOLUTION NO. 01-98 - TO THE CALIFORNIA ASSEMBLY IN SUPPORT OF AB 1094 AUTHORED BY ASSEMBLYMAN MIKE BRIGGS REGARDING RAIL CONSOLIDATION FOR FRESNO - COUNCILMEMBER CALHOUN

Acting President Ronquillo returned at 10:27 a.m. Reviewed by Councilmember Calhoun who requested Council's support and made a motion to adopt the resolution. Councilmembers Duncan and Ronquillo spoke in support and commended Councilmember Calhoun for his leadership.

Barbara Hunt, 944 "F" Street, spoke to the issue. Councilmember Castillo briefly left the meeting at 10:30 a.m.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-98 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo

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(10:30 A.M.) CONTINUED HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS ON SIX PROPERTIES AT THE INTERSECTION OF SHAW AND BLACKSTONE AVENUES

1. * RESOLUTION NO. 01-99 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF RIGHT OF WAY EASEMENTS FOR RECONSTRUCTION OF THE SHAW/BLACKSTONE INTERSECTION, AND THAT THE ACQUISITION OF EASEMENTS ARE NECESSARY FOR THE PROJECT

President Perea announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar reviewed the issue as contained in the staff report, responded to questions of President Perea relative to the need for the requested action and if the area drainage system would be improved with the project, continued his presentation by explaining the necessary findings that would have to be made to proceed, displayed an area map depicting the takings and advised the subject easements and rights-of-ways were needed and necessary for the project, and advised alternatives under CEQA law were considered.

Speaking to the issue were: James Oakes, Architect & Planner, 191 W. Shaw, representing the Erganian family, who stated they were not opposed to the changes but were requesting a two week continuance to resolve areas of minor concern for all four corners; Kevin Hall, 1204 E. Sierra Madre, support; Barbara Hunt, 944 "F" Street; and Gloria Torrez, 2666 N. Fresno Street, who spoke in opposition to removal of any bus stops or transfer stations at Shaw and Blackstone Avenues.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

A motion and second to adopt the resolution was made and acted upon after discussion. Mr. Salazar and City Attorney Montoy responded to Council questions/comments and clarified issues relative to **(4 - 0)** the area's drainage/flooding problems and Council's prior action, the Flood Control's future project, the flooding problem being a separate issue from this project, possibility of incorporating green space into the area and enlisting Tree Fresno's

assistance, and the area's drainage problem and final remedy. Upon question, Ms. Montoy confirmed there might be a benefit to the flooding problem as articulated by Mr. Salazar, reiterated the purpose of this project was to mitigate traffic and health and safety, advised the flooding issue was a long-lasting matter that still existed due to a disagreement between the property owner on the northwest corner and the Flood Control District who were trying to resolve the issue, and stated relative to this project, all parties were working cooperatively and in good faith.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-99 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:45 A.M.) PRESENTATION BY ALAN PERRY, DIRECTOR, VETERAN'S ADMINISTRATIVE HOSPITAL, REGARDING THE FEASIBILITY OF ESTABLISHING A CALIFORNIA VETERANS HOME IN FRESNO - COUNCILMEMBER QUINTERO

Councilmember Quintero advised he was approached by Veteran representatives to schedule a presentation by Mr. Perry and some Veterans and briefly commented on the Yountville facility.

Presenting the concept and/or requesting Council's support to consider a Fresno facility were: George Sonapoli, Chairman, California Veterans Board, 6508 N. Palm; George Steese, National Senior Vice Commander for the Disabled American Veterans, 4186W. Terrace; Al Perry, Veteran's Administrative Hospital; Barbara Hunt, 944 "F" Street; Dr. Ken Shanklin, Retired Air Force, Retired Physician, active Professor with UCSF; and Rufus Hernandez, 5140 E. Kings Canyon, Commander Post 4 and President, American Merchant Marine Veterans, Central California.

A motion was made to give direction to staff, which was seconded and acted upon after brief discussion. Councilmember Quintero advised there was property owned by the federal government at Peach and Hamilton and requested that be looked into, with Development Director Yovino responding to questions. Councilmembers Boyajian, Castillo, Ronquillo and Duncan spoke in support of veterans and the issue, and Mr. Perry responded to questions relative to the number of female veterans and the facility serving all veterans.

On motion of Councilmember Quintero, seconded by Councilmember Boyajian, duly carried, RESOLVED, staff directed to support, work with the Veteran's groups on a location, and report back on the feasibility of establishing a veteran's home in Fresno, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) DIRECT CITY ATTORNEY TO RESEARCH THE DRAFTING OF AN ORDINANCE TO ADOPT GUIDELINES PERTAINING TO THE NUMBER OF SERVICE STATIONS, CONVENIENCE STORES, OR COMBINATION OF BOTH, TO BE ALLOWED WITHIN A SPECIFIED ZONE WITHIN THE CITY - COUNCILMEMBER QUINTERO

Reviewed by Councilmember Quintero who stated this was not intended to be anti-business but was to deal with empty buildings due to a proliferation of businesses, and clarified he wanted to see options and made a motion to direct staff as outlined.

Councilmember Duncan stated he would oppose the motion as guidelines were already in place to accomplish Councilmember Quintero's goal, read from written material he submitted which stated being business-friendly meant less government, and stated his concern was this request would result in a new, duplicating ordinance and made a motion to table the issue.

Speaking to the issue were: Stebbins Dean, CEO, Chamber of Commerce, who stated processes were in place and there was no need for more; and Barbara Hunt, 944 "F" Street, support for the motion.

Councilmember Quintero stated **(5 - 0)** he's had no assistance from business organizations in planning the southeast area and only hears from them when he places certain items on the agenda such as this, and emphasized there were problems with small businesses due to proliferation and Council needed to help small business owners keep their doors open by seeing what options were out there.

Development Director Yovino and Interim City Manager Souza responded to questions of President Perea relative to how to determine a healthy community, how those policies would be integrated into the general plan, how the Irvine Company planned their community, and if the Mayor was giving consideration to the planning commission and process. Councilmember Boyajian spoke in support of the motion stating livable communities were needed and there was no continuity in the planning structure and explained. Councilmember Castillo spoke in support, stated alcohol sales needed a closer look and explained, compared this issue with the defeat of mini-mart in northeast Fresno, and seconded Councilmember Quintero's motion. Councilmember Duncan stated the process in dealing with the northeast mini-mart and southeast gas station worked and stated he felt this was more of a philosophical issue of the role of city government getting too involved in business. Acting President Ronquillo stated this was a difficult issue and he felt matters should be considered on a case-by-case basis. President Perea stated although he supported context of the issue he would not support it due to staff's already heavy caseloads and the fact that they were using the Landscape of Choice as a template for planning future policies, and added he strongly believed city government had a role in designing communities.

A motion of Councilmember Quintero, seconded by Councilmember Castillo, to direct the City Attorney and Development staff to research the drafting of an ordinance to adopt guidelines pertaining to the number of service stations, convenience stores, or combination of both, to be allowed within a specified zone within the city failed, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero
Noes	:	Calhoun, Duncan, Ronquillo, Perea
Absent	:	None

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Councilmember Quintero briefly left the meeting at 11:55 a.m.

(3A) * BILL NO. B-33 - ORDINANCE NO. 01-31 - AMENDING SECTION 8-205 OF THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUDITY - PRESIDENT PEREA

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-33 adopted as Ordinance No. 01-31, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	Quintero

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CITY MANAGER'S ABSENCE IN THE AFTERNOON SESSION

Interim City Manager Souza advised he would not be present for the afternoon session due to a scheduling conflict with his involvement in the EDC President/CEO recruitment process and apologized for missing out on the items scheduled. Councilmember Quintero returned at 11:57 a.m. President Perea expressed a concern, as the EDC representative, explaining he strongly suggested to EDC that the Council President be involved in the recruitment/selection process due to the Mayor's decision to rely more heavily on the EDC after dismantling the City's economic development team, stressed he was very surprised to hear the process was going on, and added if this was the kind of support EDC was giving to Council they would be having some major problems as the City was their major funding source, with Mr. Souza responding.

Councilmembers Ronquillo and Castillo concurred with President Perea and Councilmember Castillo directed staff to schedule on the agenda in two weeks a presentation by the EDC on their work and performance. Councilmember Calhoun stated no selection of the EDC CEO should be made until the Council President reviewed the applications.

CITY MANAGER SELECTION PROCESS - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian expressed his concern that the names of the city manager finalists were leaked to the press, advised one finalist was lost and apologized to the individual and to Mayor Autry for the break-down in his requested confidential process.

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LUNCH RECESS - 12:06 P.M. - 2:01 P.M.

(11:15 P.M.) WORKSHOP/PRESENTATION BY THE CONVERGENT GROUP ON KEY FINDINGS AND RECOMMENDATIONS RESULTING FROM A SIX-MONTH CITY-WIDE ANALYSIS OF THE CITY'S EXISTING INFORMATION AND TECHNOLOGY PRACTICES WITH A FOCUS ON HOW TO USE TECHNOLOGY TO BETTER AND MORE EFFICIENTLY MEET THE NEEDS AND EXPECTATION OF RESIDENTS AND BUSINESSES

Interim Public Utilities Director McIntyre gave a brief introduction, advised all departments participated in the analysis, stated the objective was to get better leverage out of the expenditure of information technology dollars to better serve residents, and introduced Mr. Epstein.

Mark Epstein, The Convergent Group, advised of the process that was undertaken and gave a summary of the findings and recommendations that were the outgrowth of the city-wide analysis **(6 - 0)**.

Brief discussion ensued with Mr. McIntyre and Mr. Epstein responding to Council questions relative to whether funding for this project would be included in the next fiscal years budget, if other organizations would be participating with the City, if the exchange of information was more cost effective now than five years ago, if old information would have to be accessed and included, timeline and cost to get all information on line, and how citizens could benefit by having all the City's information tied together. There was no further discussion.

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(3B) DIRECTION REGARDING FEASIBILITY ASSESSMENT OF THE CITY'S PARTICIPATION IN 50 MEGAWATT GENERATION FACILITIES

Interim Public Utilities Director McIntyre reviewed the issue and staff report as submitted and the two alternatives for Council's consideration. President Perea stated the issue had a sense of urgency and concurred there was too much unpredictability, clarified the goal was to move beyond talking and get to a decision-making point, and made a motion to approve Option 2. Councilmember Duncan seconded the motion and stated it would be prudent to look at all options, he felt this was a necessary investment for the future, and urged Council's support.

Mr. McIntyre, Acting City Manager Quesada and City Attorney Montoy responded to questions of Councilmember Calhoun and/or clarified issues relative to the cost for a consultant and what the City's share of that cost would be, the consultant's scope of work and assurance for receiving all needed information, if Fresno county was interested, intent of the action being to conduct early due-diligence on the project, and ability to determine a funding source. Ms. Montoy clarified under Option 2, it was Council's intent that the final work product would belong to the City as well as the hospital, and Mr. McIntyre and President Perea clarified what key information and cost figures staff would be looking for. Upon question, Mr. McIntyre stated the agreements should be back before Council within 60 days.

Barbara Hunt, 944 "F" Street, spoke in opposition.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, Alternative 2 specifying Community Hospital will manage the selection process and execute a contract with a consultant hereby approved, City staff directed to participate in consultant interviews, and a cost share of the consultant expense to be negotiated between the City and the Hospital, by the following vote

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(1A-8) AWARD REQUIREMENTS CONTRACT FOR APPLICATION OF SLURRY SEAL TO VARIOUS STREETS WITHIN THE CITY OF FRESNO

Purchasing Manager Taggart and Streets Manager Dilley responded to questions of Councilmembers Boyajian and Castillo relative to Asphalt Maintenance Co.'s quality of work and if traffic control was included in the RFP. Councilmember Duncan briefly left the meeting at 2:50 p.m.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, a one-year requirement contract with provisions for two one-year extensions to slurry seal various streets within the city as part of the City's street revitalization program hereby awarded to Click Corp. dba Asphalt Maintenance Co. of California for the base bid and add-alternates 1, 2 and 3, in the amount of \$830,844, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Duncan

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(1A-9) AWARD A CONTACT FOR SECURITY SERVICES AT THE CHAFFEE ZOOLOGICAL GARDENS

Councilmember Calhoun noted this was an unusual contract and explained, and upon request, Purchasing Manager Taggart explained the process undertaken and staff's position in recommending the contract award. Councilmember Duncan returned at 2:55 p.m. A motion and second was made to approve staff's recommendation.

Speaking to the issue were: Steve Geil, CIS, who stated they had provided security for eleven years and clarified issues contained in the staff report and contributed to staff's recommendation; and Barbara Hunt, 944 "F" Street.

Ms. Taggart and Zoo Director Waterhouse responded to questions of Acting President Ronquillo relative to Mr. Geil's comments on background checks, if there had been any injured or stolen animals due to security negligence (**7 - 0**), who would have been responsible to correspond with Mr. Geil on the poor performance, if there was any paper trail on the problems, if there was a procedure/performance manual in place, and the number of animals at the zoo and their value. Acting President Ronquillo stated he would not support the motion as the services provided by GIS could have been put "in check" years ago. Councilmember Boyajian and President Perea commended Mr. Geil and his employees at City Hall.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, a three-year contract, with the option for two one-year extensions, for security services at the Chaffee Zoological Gardens hereby awarded to Turner Security Systems in the amount of \$77,720, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	Ronquillo
Absent	:	None

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(1A-12) * RESOLUTION - 113TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,363,000 TO PAY FOR HEALTH AND WELFARE TRUST COST INCREASES

President Perea reviewed the background of the issue, advised this was the result of binding arbitration, and requested the matter be delayed 2-3 weeks so he could appear before the Health and Welfare Trust and ask them to consider accepting one-half the amount adding if they agreed the money could be used for neighborhood improvements or other priority matters.

On motion of President Perea seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution delayed 2-3 weeks, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(1A-14) RESOLUTION NO. 01-100 - AUTHORIZING AMENDMENT NO, 1 OF FEDERAL AVIATION ADMINISTRATION (FAA) FAR PART 150 NOISE COMPATIBILITY GRANT NO. 3-06-0087-26 FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

An unidentified Airports representative responded to questions of Councilmember Castillo relative to yearly program and process, how the residences were identified and informed of eligibility, how long the program had been in effect, and reason for the adjusted number of residences. Councilmember Castillo requested staff keep his office informed of the next RFP.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-100 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5D) SET A PUBLIC HEARING TO NAME THE PARK AT CLINTON AND BRAWLEY AVENUES THE "VICTORIA WEST PARK" - COUNCILMEMBERS BOYAJIAN AND ACTING PRESIDENT RONQUILLO

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, a hearing to name the park at Clinton and Brawley the "Victoria West Park" set for April 3, 2001, at 10:30 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5B) STAFF REPORT RELATING TO THE PACIFIC BELL AND PG&E UNDER GROUNDING OF UTILITIES ALONG THE VENTURA/KINGS CANYON CORRIDOR - COUNCILMEMBER QUINTERO

Laid over one week at the direction of Councilmember Quintero.

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(4A) CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

a. VANESSA YBARRA V. COF, ET AL.

b. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA) V. COF; ANDREW SOUZA, CITY MANAGER/CHIEF ADMINISTRATIVE OFFICER, AND YVONNE QUIRING, DIRECTOR, HNR DEPARTMENT

c. TONY VONG AKA ODAY MOUNSAVENG V. COF

d. VELLUTINI CORPORATION DBA VELCOR V. ICG TELECOM GROUP, INC., ET AL., FRESNO SUPERIOR COURT NO. 01 CE CG 00746

2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

a. CLAIMS OF: MICHAEL RHODES, LEAH HAMMOND, HERIBERTO ROSALES, ROBERT FISCHER, ARTHUR TREJO, JILL SMITH, BRYAN APPER, LYNN JACOBSSON, JULIUS RASMUSSEN, LAUREN FERBER, AARON WRIGHT, MARK STOUT, JUSTIN RUBEN, ALEXANDER ROSELLE, ZACH ORDENE, JON PAUL SOLONEN, JOAN POSS, ROBERT BERGSTROM, AND MEGHAN APPER, A MINOR

b. CLAIMS OF: ESTATE OF DELFINO GUERRERO-HERNANDEZ, VICTORIA HERNANDEZ, EMETERIO GUERRERO, DANIEL GUERRERO, NOE GUERRERO, JESUS GUERRERO, ANTONIO GUERRERO, UNBORN CHILD OF DELFINO GUERRERO-HERNANDEZ, AND CAROLYN GONZALEZ

c. CITY OF FRESNO V. LONG CONSTRUCTION, INC., FRESNO CONVENTION INVESTORS, INC.; BUD LONG, INC. DBA FRESNO CONVENTION INVESTORS

The Council met in closed session in Room 2125 at the hour of 3:22 p.m. to consider the above issues and reconvened in regular open session at 4:34 p.m. Councilmembers Quintero was absent for the remainder of the meeting.

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(2:15 P.M.) BUDGET WORKSHOP

Budget Manager Bruney reviewed the FY 01 General Fund amended budget and year end estimates, explained the budget process in general, reviewed the General Fund FY 02 preliminary forecast (**8 - 0**), the bi-monthly utility rates, utility reserves, and total utility reserves from FY 96 through FY 01, reviewed the Community Development Block Grant (CDBG) FY 01 budget and allocations from FY 98 to FY 01, reviewed the FY 01 Measure "C" budget, and along with City Attorney Montoy, responded at length to numerous Council questions and comments throughout the presentation.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:49 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 27th day of March, 2001.

ATTEST:

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

137-134

3/20/01